

1-1 By: Harris S.R. No. 30  
1-2 (In the Senate - Filed September 18, 2003; September 19, 2003,  
1-3 read first time and referred to Committee on Administration;  
1-4 September 23, 2003, reported favorably, as amended, by the  
1-5 following vote: Yeas 4, Nays 3; September 23, 2003, sent to  
1-6 printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Wentworth

1-8 Amend S.R. No. 30 in Section 3 of the resolution (amended Rule  
1-9 5.04, page 2), after the added language, by adding the following:  
1-10 A member shall be fined \$1,000 payable to the Texas Senate for  
1-11 each day or part of a day that the member is absent. The fine shall  
1-12 be automatically deducted daily, first from the member's per diem  
1-13 allowance and the balance deducted from the member's Texas Senate  
1-14 payroll account.

1-15 SENATE RESOLUTION

1-16 BE IT RESOLVED by the Senate of the State of Texas, That the  
1-17 Rules of the Senate, 78th Legislature, be amended as follows:

1-18 1. Amend Rule 4.09 to read as follows:

1-19 PUNISHMENT FOR MISCONDUCT

1-20 Rule 4.09. The Senate may punish any member for disorderly  
1-21 conduct and, with the consent of two-thirds of the elected members,  
1-22 may expel a member, but not a second time for the same offense.  
1-23 (Constitution, Article III, Section 11)

1-24 A member who is absent without sufficient excuse for more  
1-25 than 72 hours under a call of the Senate under Rule 5.04 shall lose  
1-26 all privileges of accrued seniority established by Senate  
1-27 tradition. A member shall immediately lose the privileges of  
1-28 accrued seniority if the member is absent without sufficient excuse  
1-29 under a call of the Senate within seven calendar days of final  
1-30 adjournment of a regular session of the Legislature or under a call  
1-31 of the Senate during a special session of the Legislature.

1-32 2. Amend Rule 5.03 to read as follows:

1-33 ABSENCES

1-34 Rule 5.03. A member has a duty under his or her oath or  
1-35 affirmation of office and an obligation under the constitution and  
1-36 laws of this state to attend the sessions of the Senate, and a [No]  
1-37 member shall not absent himself or herself from the sessions of the  
1-38 Senate without leave unless the member be sick or unable to attend.

1-39 3. Amend Rule 5.04 to read as follows:

1-40 CALL OF THE SENATE

1-41 Rule 5.04. It shall be in order to move a call of the Senate  
1-42 at any time to secure, to maintain, or to secure and maintain a  
1-43 quorum for the following purposes:

1-44 (1) for the consideration of a specific bill,  
1-45 resolution, or other measure;

1-46 (2) for a definite period of time or for the  
1-47 consideration of any particular class of bills.

1-48 When a call of the Senate is moved for one of the above  
1-49 purposes and seconded by five members and ordered by a majority of  
1-50 those present, the Doorkeeper shall close the main entrance to the  
1-51 floor of the Senate. All other doors leading from the floor of the  
1-52 Senate shall be locked and no member shall be permitted to leave the  
1-53 Senate without written permission of the presiding officer until  
1-54 after the subject matter upon which the call was ordered has been  
1-55 disposed of. The Secretary shall call the roll of members and note  
1-56 the absentees. Those for whom no sufficient excuse is made, by  
1-57 order of the majority of those present, may be sent for and arrested  
1-58 wherever they may be found and their attendance secured and  
1-59 retained by the Sergeant-at-Arms or officers appointed by the  
1-60 Sergeant for that purpose. The Lieutenant Governor shall request a  
1-61 writ of mandamus from the Supreme Court of Texas compelling their  
1-62 return. Any service of notice or process made or required in

2-1 connection with the mandamus or an order compelling the member's  
2-2 return adopted under this rule may be served upon the member's  
2-3 Capitol office and placed upon the member's desk by the  
2-4 Sergeant-at-Arms in lieu of personal service. The Senate shall  
2-5 determine upon what conditions they shall be discharged. Members  
2-6 who voluntarily appear shall, unless the Senate otherwise directs,  
2-7 be immediately admitted to the floor of the Senate, and they shall  
2-8 report their names to the Secretary to be entered upon the journal  
2-9 as present. Until a quorum appears, should the roll call fail to  
2-10 show one present, no business shall be done except to compel the  
2-11 attendance of absent members or to adjourn.

2-12 When a quorum is shown to be present, the Senate may proceed  
2-13 with the matters upon which the call was ordered or may enforce and  
2-14 await the attendance of as many of the absentees as it desires to  
2-15 have present. If the Senate decides to proceed, the  
2-16 Sergeant-at-Arms shall not be required to bring in other absentees  
2-17 unless so ordered by a majority vote of the Senate.

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